

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 53

Introduced by Assembly Member Negrete McLeod

December 6, 2004

~~An act to add Chapter 12.94 (commencing with Section 7090) to Division 7 of Title 1 of, and to repeal Article 2 (commencing with Section 11792) and Article 3 (commencing with Section 11796) of Chapter 7.5 of Part 1 of Division 3 of Title 2 of, the Government Code, relating to technology. An act to amend Section 473.4 of the Business and Professions Code, relating to regulatory programs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 53, as amended, Negrete McLeod. ~~State agency consolidation: data centers.~~*Regulatory programs: boards and commissions.*

Existing law creates various board and regulatory programs to license and regulate professions and vocations and other matters. Under existing law, the Joint Committee on Boards, Commissions, and Consumer Protection is required to determine if a public need exists for the continued existence of a board or regulatory program and for the degree of regulation implemented by the board or program based on specified factors.

This bill would also require the committee to consider as a factor whether the functions of the board or program would be accomplished more effectively if the board or program were replaced by a single executive officer.

~~Existing law establishes the California Health and Human Services Agency Data Center in the California Health and Human Services~~

~~Agency and the Stephen P. Teale Data Center in the Business, Transportation and Housing Agency for the purpose of providing electronic data-processing services to state agencies and for allocating moneys to projects that demonstrate or develop advanced information technologies as solutions to information processing problems.~~

~~The California Health and Human Services Agency Data Center Revolving Fund and the Stephen P. Teale Data Center Revolving Fund are established in the State Treasury and continuously appropriated for the payment of expenses incurred by the data centers. These funds shall cease to exist if the data centers are consolidated with other state information technology centers, and any remaining moneys in the funds are required to be distributed according to specified provisions of law.~~

~~This bill would establish the Department of Technology Services in state government and consolidate and transfer the functions of the Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center to the department, as specified.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 473.4 of the Business and Professions
- 2 Code is amended to read:
- 3 473.4. (a) The Joint Committee on Boards, Commissions,
- 4 and Consumer Protection shall evaluate and determine whether a
- 5 board or regulatory program has demonstrated a public need for
- 6 the continued existence of the board or regulatory program and
- 7 for the degree of regulation the board or regulatory program
- 8 implements based on the following factors and minimum
- 9 standards of performance:
- 10 (1) Whether regulation by the board is necessary to protect the
- 11 public health, safety, and welfare.
- 12 (2) Whether the basis or facts that necessitated the initial
- 13 licensing or regulation of a practice or profession have changed.
- 14 (3) Whether other conditions have arisen that would warrant
- 15 increased, decreased, or the same degree of regulation.
- 16 (4) If regulation of the profession or practice is necessary,
- 17 whether existing statutes and regulations establish the least
- 18 restrictive form of regulation consistent with the public interest,

1 considering other available regulatory mechanisms, and whether
2 the board rules enhance the public interest and are within the
3 scope of legislative intent.

4 (5) Whether the board operates and enforces its regulatory
5 responsibilities in the public interest and whether its regulatory
6 mission is impeded or enhanced by existing statutes, regulations,
7 policies, practices, or any other circumstances, including
8 budgetary, resource, and personnel matters.

9 (6) Whether an analysis of board operations indicates that the
10 board performs its statutory duties efficiently and effectively.

11 (7) Whether the composition of the board adequately
12 represents the public interest and whether the board encourages
13 public participation in its decisions rather than participation only
14 by the industry and individuals it regulates.

15 (8) Whether the board and its laws or regulations stimulate or
16 restrict competition, and the extent of the economic impact the
17 board's regulatory practices have on the state's business and
18 technological growth.

19 (9) Whether complaint, investigation, powers to intervene, and
20 disciplinary procedures adequately protect the public and
21 whether final dispositions of complaints, investigations,
22 restraining orders, and disciplinary actions are in the public
23 interest; or if it is, instead, self-serving to the profession, industry
24 or individuals being regulated by the board.

25 (10) Whether the scope of practice of the regulated profession
26 or occupation contributes to the highest utilization of personnel
27 and whether entry requirements encourage affirmative action.

28 (11) Whether administrative and statutory changes are
29 necessary to improve board operations to enhance the public
30 interest.

31 *(12) Whether the functions of the board would be*
32 *accomplished more effectively if the board were replaced by a*
33 *single executive officer.*

34 (b) The Joint Committee on Boards, Commissions, and
35 Consumer Protection shall consider alternatives to placing
36 responsibilities and jurisdiction of the board under the
37 Department of Consumer Affairs.

38 (c) Nothing in this section precludes any board from
39 submitting other appropriate information to the Joint Committee
40 on Boards, Commissions, and Consumer Protection.

1 ~~SECTION 1. Chapter 12.94 (commencing with Section 7090)~~
2 ~~is added to Division 7 of Title 1 of the Government Code, to~~
3 ~~read:~~

4
5 ~~CHAPTER 12.94. DEPARTMENT OF TECHNOLOGY SERVICES~~
6

7 ~~7090. (a) It is the intent of the Legislature in enacting this act~~
8 ~~to implement the recommendations of the Legislature embodied~~
9 ~~in the annual Budget Act of 2003 with respect to the~~
10 ~~consolidation of the Teale Data Center and the California Health~~
11 ~~and Human Services Data Center.~~

12 ~~(b) The Department of Technology Services is hereby created~~
13 ~~in state government and shall be comprised of the Stephen P.~~
14 ~~Teale Data Center and the California Health and Human Services~~
15 ~~Agency Data Center, which are hereby consolidated and their~~
16 ~~functions transferred to the department.~~

17 ~~(c) The department is the successor to, and is vested with, all~~
18 ~~of the duties, powers, purposes, responsibilities, and jurisdiction~~
19 ~~of the Stephen P. Teale Data Center and the California Health~~
20 ~~and Human Services Agency Data Center. Any reference in~~
21 ~~statutes, regulations, or contracts to those entities with respect to~~
22 ~~the transferred functions of these two data centers shall be~~
23 ~~construed to refer to the Department of Technology Services~~
24 ~~unless the context clearly requires otherwise.~~

25 ~~(d) No contract, lease, license, or any other agreement to~~
26 ~~which the Stephen P. Teale Data Center or the California Health~~
27 ~~and Human Services Agency Data Center, is a party shall be void~~
28 ~~or voidable by reason of this chapter, but shall continue in full~~
29 ~~force and effect, with the department assuming all of the rights,~~
30 ~~obligations, and duties of the Stephen P. Teale Data Center and~~
31 ~~the California Health and Human Services Agency Data Center.~~

32 ~~(e) All books, documents, records, and property of the Stephen~~
33 ~~P. Teale Data Center and the California Health and Human~~
34 ~~Services Agency Data Center shall be transferred to the~~
35 ~~Department of Technology Services.~~

36 ~~(f) (1) All officers and employees of the former Stephen P.~~
37 ~~Teale Data Center and the California Health and Human Services~~
38 ~~Agency Data Center are transferred to the department.~~

39 ~~(2) The status, position, and rights of any officer or employee~~
40 ~~of the Stephen P. Teale Data Center or the California Health and~~

1 ~~Human Services Agency Data Center shall not be affected by the~~
2 ~~consolidation and transfer of these two centers to the department.~~
3 ~~SEC. 2. Article 2 (commencing with Section 11792) of~~
4 ~~Chapter 7.5 of Part 1 of Division 3 of Title 2 of the Government~~
5 ~~Code is repealed.~~
6 ~~SEC. 3. Article 3 (commencing with Section 11796) of~~
7 ~~Chapter 7.5 of Part 1 of Division 3 of Title 2 of the Government~~
8 ~~Code is repealed.~~

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